

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

BOB N. WILLIAMS)	
Claimant)	
VS.)	
)	Docket No. 248,309
MORIDGE MANUFACTURING, INC.)	
Respondent)	
AND)	
)	
EMPLOYERS MUTUAL CASUALTY COMPANY)	
and HARTFORD INSURANCE COMPANY)	
Insurance Carrier)	

ORDER

Respondent and Hartford Insurance Company (Hartford) appeal from a preliminary hearing Order entered by Administrative Law Judge Bruce E. Moore on December 3, 1999.

ISSUES

The issue on appeal is the date of accident or, stated another way, whether claimant's current need for medical treatment benefits is a natural and direct consequence of an injury claimant suffered while working for respondent during Hartford's period of coverage or whether, instead, claimant thereafter suffered a new injury during the period that insurance coverage was with Employers Mutual Casualty Company (Employers). The second injury would also have been while working for respondent.

Respondent and Employers argue this appeal fails to raise an issue which the Board has jurisdiction to review on an appeal from a preliminary hearing order and should, therefore, be dismissed.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Appeals Board concludes that the issues raised on appeal are not jurisdictional issues. As a consequence, the Board does not have jurisdiction to review those issues at this stage of the proceedings.

On an appeal from a preliminary hearing order, the Board is limited to review of allegations that the Administrative Law Judge exceeded his/her jurisdiction. K.S.A. 1999

Supp. 44-551. This includes review of issues identified in K.S.A. 1999 Supp. 44-534a as jurisdictional issues. On the current appeal, there is no dispute that claimant's current need for medical treatment is the result of an injury that arose out of and in the course of his employment with respondent. The only questions are date or dates of accident, whether claimant suffered one series of accidents or two, and, as a result, which insurance carrier is liable for benefits. Hartford contends the Administrative Law Judge erred when he found a single series of accidents and a date of accident during its period of coverage. This contention does not raise one of the issues identified in K.S.A. 1999 Supp. 44-534a and the allegation that the Administrative Law Judge exceeded his jurisdiction is without merit.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the appeal of the preliminary hearing Order entered by Administrative Law Judge Bruce E. Moore on December 3, 1999, should be, and the same is hereby, dismissed.

IT IS SO ORDERED.

Dated this ____ day of February 2000.

BOARD MEMBER

c: Bob N. Williams, 1632 N. Maxwell, McPherson, KS 67460
Edward D. Heath, Jr., Wichita, KS
Heather Nye, Kansas City, MO
Bruce E. Moore, Administrative Law Judge
Philip S. Harness, Director